

14-7505 HURST V. FLORIDA

DECISION BELOW: 147 So.3d 435

LOWER COURT CASE NUMBER: SC12-1947

QUESTION PRESENTED:

WHETHER THE FLORIDA SUPREME COURT CORRECTLY HELD THAT THE JURY IN A DEATH PENALTY CASE DOES NOT HAVE A CONSTITUTIONAL OBLIGATION TO RENDER A VERDICT IN THE PENALTY PHASE OF WHETHER THE DEFENDANT IS MENTALLY RETARDED OR NOT WHEN EVIDENCE HAS BEEN PRESENTED TO SUPPORT SUCH A CONCLUSION.

WHETHER THE SUPREME COURT OF FLORIDA HAS CORRECTLY CONCLUDED THAT THIS COURT'S DECISION IN *RING v. ARIZONA*, 536 U.S. 584 (2002) (1) HAS NO APPLICABILITY TO FLORIDA'S DEATH SENTENCING SCHEME GENERALLY, (2) THAT SPECIFICALLY IT DOES NOT REQUIRE THE JURY'S RECOMMENDATION OF DEATH BE UNANIMOUS, (3) THAT THE JURY'S FINDINGS OF AGGRAVATING FACTORS NEED NOT BE UNANIMOUS, (4) THAT THE JURY HAS NO ROLE IN DETERMINING THE FACTUAL ISSUE OF THE DEFENDANT'S MENTAL RETARDATION, AND (5) THAT THE LACK OF UNANIMITY DOES NOT OFFEND OUR EVOLVING STANDARDS OF DECENCY AS REQUIRED BY THE EIGHTH AMENDMENT?

LIMITED TO THE FOLLOWING QUESTION: WHETHER FLORIDA'S DEATH SENTENCING SCHEME VIOLATES THE SIXTH AMENDMENT OR THE EIGHTH AMENDMENT IN LIGHT OF THIS COURT'S DECISION IN *RING v. ARIZONA*, 536 U.S. 584 (2002)

CERT. GRANTED 3/9/2015